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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,701	07/05/2001	Takashi Naiki	81876.0022	3950

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HOGAN & HARTSON L.L.P.  
500 S. GRAND AVENUE  
SUITE 1900  
LOS ANGELES, CA 90071-2611

EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/900,701	NAIKI, TAKASHI2	
	<b>Examiner</b>	<b>Art Unit</b>	
	Perez M. Angelica	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see page 8, paragraph 3, filed April 11, 2005, with respect to claims 3-12 have been fully considered and are persuasive. The rejection of claims 3-12 has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 3 and 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (Tanaka et al.; US Patent No.: 6,122,486 A).

Regarding claim 3, Tanaka teaches of a portable information apparatus having communications tools, the portable information apparatus including (figure 1; item 1): a wireless transmission/reception section for transmitting to and receiving from an external wireless transmitter/receiver electromagnetic signals (figure 1, items 9 and 11); an operation section for performing various operations (figure 1, "controller") a display section for displaying status of the operations made by the operation section, and status and the results of transmission/reception operations made by the wireless transmission/reception section (figure 1, item 7 and column 3, lines 37-38); and a control section connected with the wireless transmission/reception section (figure 1, connected to items 9 and 11 through item 10), operation section (figure 1, "CONTROLLER"), and display section (figure 1, item 7), for controlling overall actions of the portable information apparatus (where controllers generally control the operations of "information apparatuses"), The portable information apparatus further comprises reception means, within or outside the wireless transmission/reception section, for receiving a communication prohibition signal and/or a communication permission signal transmitted from an external facility (column 2, lines 5-9; figure 1, where the signals are received from items 2 and 3), and for enabling/disabling the transmission functions of the wireless transmission/reception section upon receipt of the communication prohibition signal and/or the communication permission signal (column 2, lines 10-14).

Regarding claim 6, Tanaka teaches all the limitations according to claim 3. Tanaka also teaches where the portable information apparatus further comprises: a data section for storing data regarding the portable information apparatus (figure 1, item 8); a discrimination section, adapted to receive the results of the reception from the reception means and receive data from the data section, for setting the transmission function of the wireless transmission/reception section enabled or disabled, based on the results received from the reception means and the data received from the data section (figure 1, "controller", also, item 10, helps in the detection of the signal).

Regarding claim 7, Tanaka teaches of a control system for controlling portable information apparatuses having communications tools (figure 1, items 2 and 3), the control system having a transmitter for transmitting a communication prohibition signal and/or a communication permission signal to the portable information apparatuses (figure 1, items 2 and 3 and column 2, line 14-30), the transmitter installed at a location where transmissions of electromagnetic waves from the portable information apparatuses are prohibited (column 2, lines 30- 32).

Regarding claim 9, Tanaka teaches all the limitations according to claim 7. Tanaka also teaches where the transmitter is operated under predetermined conditions (column 2, lines 30- 32; e.g., operates under the conditions of entering/exiting a prohibited area).

Regarding claim 10, Tanaka teaches all the limitations according to claim 7. Moreover, Tanaka teaches where a control system comprises a multiplicity of

transmitters (column 2, lines 30- 32; where it is assumed that every entrance/exit will be equipped with a prohibition apparatus).

Regarding claim 11, Tanaka teaches of an apparatus equipped with a controller for controlling portable information apparatuses having communications tools (fig 1, item 19), the apparatus comprising a transmitter for transmitting a communication prohibition signal and/or a communication permission signal to the portable information apparatuses (figure 1, item 20; column 3, lines 43-46), where the transmitter is installed on an apparatus that can be influenced by electromagnetic waves transmitted from the portable information apparatuses (column 3, lines 42-46; where the controller 2 or releaser 3 are affected by a change in magnetic field variation).

Regarding claims 5, 8 and 12, Tanaka teaches all the limitations according to claims 3, 7 and 11. Tanaka further teaches where the communication prohibition signal and/or the communication permission signal are/is weaker than the electromagnetic waves transmitted from the wireless transmission/reception section of the portable information apparatus (column 2, lines 41-49; where "...without affecting instruments peripherally located in a radio wave transmission transmission-prohibited area" suggest overall weaker signals).

***Claim Rejections - 35 USC § 103***

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of da Silva (da Silva, Ivan Pereira; US Patent No.: 6,496,703 B1).

Regarding claim 4, Tanaka teaches all the limitations according to claims 1.

Tanaka does not specifically teach where the wireless transmission/reception section is adapted to serve as a dedicated wireless receiver when the transmission functions of the wireless transmission/reception section are disabled.

In related art, concerning a system for disabling wireless communication devices, da Silva teaches where the wireless transmission/reception section is adapted to serve as a dedicated wireless receiver when the transmission functions of the wireless transmission/reception section are disabled (column 8, lines 27- 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tanaka's restriction communications apparatus with da Silva's programming to a receive only mode in order to adapt the apparatus according to the needs of individuals or situations, as taught by da Silva.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No.: 6,496,703 B1, teaches of a system disabling wireless communication devices.

US Patent No.: 6,201,973, relates to a mobile communications apparatus adapted to a plurality of transmission inhibition areas.

US Patent No.: 6,052,577, refers to a limiting system and portable phone.

US Patent No.: 6,233,448, teaches of a system, method and apparatus for activation/deactivation features based upon position.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more



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information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

  
Angelica Perez  
(Examiner)

June 1, 2004

**EDAN ORGAD**  
**PATENT EXAMINER/TELECOMM.**

*1. o. 6/26/04*  
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